

FLATHEAD COUNTY JUSTICE COURT

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February 06, 2007

Joint Appropriations Sub-Committee-Judicial Branch, Law Enforcement, and Justice  
State Capitol  
Helena, Montana. 59620

Re: Appropriations for Self Help Law Program and Statewide Pro Bono Coordinator

Chairman Hawk and Committee Members:

I appear before you to today to offer my support for continued funding of the Self Help Law Program, as well as, funding for the position of Statewide Pro Bono Coordinator. This funding is critical to meeting the existing needs of citizens across this State, and paving the way to meet those needs as they increase in uncertain economic times. We; the Judiciary and the Legislature, must continue to act proactively if we are to make justice accessible to the citizens of this state. This is an obligation that we share.

I have been a Flathead County Justice of the Peace for the past nine years. Prior to assuming this position I engaged in the general practice of law for seventeen years. I have been a member of the Supreme Court's Commission on Courts of Limited Jurisdiction for the past six years and am actively involved in training city, justices' and municipal court judges across the state. I have spent my entire professional career addressing the legal needs of people from all walks of life. At no time since I began practicing law in 1983 have the needs of so many gone unmet. We are at a crucial moment in the history of the judicial branch of government. The courts of this State are overwhelmed with cases brought by citizens who expect access to the judicial branch of government to resolve their disputes, redress their grievances, and protect their rights. Never before have such fundamental changes been needed in how access to justice is ensured, and provided, to all Montanans as constitutionally guaranteed. Without that change access to justice will be reserved for only those who can afford it. The Self Help Program is the very seed of that change.

In 2007 the 60<sup>th</sup> Legislature acted in response to an obvious need. The steps taken by the Judicial Branch since then have resulted in meaningful access to the law, and the courthouse, for hundreds of Montanans who would otherwise be denied access to the legal resources necessary to successfully understand and navigate the judicial system. The money appropriated in 2007 was well spent and the return on the investment has been remarkable! In light of the economy, and the demonstrated need for change in the delivery of justice, it is critical that the 61<sup>st</sup> Legislature continue to financially support the Judicial Branch's efforts to continue and expand the work of the Self Help Law Program and the coordination of pro bono legal services by lawyers who practice law in the courts of this state.

I am actively involved in the training of the judges presiding over the city, justices', and municipal courts across this state. In the course of that training it has become painfully obvious that the majority of litigants cannot afford to hire attorneys, and that they come to court with little or no legal information upon which they can rely for guidance. While they may possess a basic understanding which is grounded in common sense, they do not fully appreciate the process by which their rights, or legal obligations, are determined and enforced. Without legal representation, or appropriate guidance, they become frustrated by a system they do not understand and which is often times insensitive to their needs. Classic examples are the consumer debtor in a collections case, or a parent in dissolution of marriage case. The Self Help Law Centers, as well as the forms and information available on-line through the State Law Library, provide the means by which the unrepresented litigant can obtain the information needed to access the justice system and successfully navigate that system as they obtain the relief needed. Informed and prepared litigants contribute to effective delivery of justice. The centers also serve as a resource to independent services such as mediation which are an alternative and attractive form of dispute resolution.

Traditionally, judges and court staff are forbidden from providing legal advice to parties wanting to bring a lawsuit, or those responding to a suit against them. Courts are loath to provide guidance in filling out forms for fear of jeopardizing neutrality. People frequently appear at the clerk of courts counter desperate for direction. Most clerks will provide what guidance they can, but are quick to tell people that they should consult an attorney. In some cases the person may receive a set of forms, however, they are left to their own creativity to figure out how to apply their circumstances to the forms and prepare them in a manner acceptable to the court. The Self Help Centers bridge this gap by providing procedural guidance. Once provided with the basic information needed to better understand their rights, the role that the court may play in resolving their dispute, and the alternatives to litigation, people are better able to make informed decisions about their rights and responsibilities.

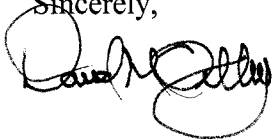
As funding for the Legal Services Corporation has dwindled over the past twenty years, the vast majority of people who do not have the financial resources to hire an attorney, or chose not to, struggle to weave their way through the system- a system that has not traditionally provided information and guidance. Without

That information and guidance access is denied and justice is not delivered. The organized bar has recognized the need to provide pro bono services to those who cannot afford a lawyer but struggles with the organization and delivery of those services. The Statewide Pro Bono Coordinator is essential to bringing together the legal profession and the judiciary in this effort. The success of the collaborative effort depends upon coordinating the bench and bar!

The courts of this state will always have more work than they are able to comfortably process. They must become innovative and undergo fundamental change to meet the needs of society. As our society becomes more complicated and burdened by economic pressures people will increasingly look to the government, and the courts, for information about the law and their rights under the law. The Self Help Program has proven to be an effective way to meet a portion of that need. It has provided the resources and tools necessary to establish a network of outlets for the dissemination of critical legal information. In partnership with the courts, and the legal profession it will serve as the catalyst in providing meaningful and equal access to justice for all Montanans.

I respectfully urge that you continue to fully fund this program.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Sullivan", written over a circular flourish.